Government of Saskatchewan

# Annual Report 1989

# Saskatchewan Public and Private Rights Board

90-05526/

# ANNUAL REPORT - 1989

# PUBLIC AND PRIVATE RIGHTS BOARD

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**Saskatchewan**

Saskatchewan
Public and Private
Rights Board

1120 - 1874 Scarth Street
Regina, Saskatchewan
S4P 3V7

January 31, 1990

Honourable Grant Devine
President of the Executive Council

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1989 to December 31, 1989.

Respectfully submitted,

Pauline A. Duncan
Chairperson

PAD/mw

The Public and Private Rights Board staff
as at December 31, 1989:

Ms. Pauline A. Duncan, Chairperson

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

## REPORT ON ACTIVITIES

In 1989, the Public and Private Rights Board received thirty-seven (37) requests from landowners to review matters relating to expropriation or intentions by expropriating authorities to acquire land. Of this total, seventeen (17) were requests to review the route, situation or design of a public improvement or proposed public improvement as per Section Seven (7) of the Expropriation Procedure Act, and twenty (20) were requests to review the amount of compensation offered as per Section Eight (8) of the Expropriation Procedure Act.

During 1989, the Public and Private Rights Board concluded its investigations and negotiations between landowners and expropriating authorities resulting from forty-four (44) requests from landowners. Twenty-one (21) of the cases concluded by the Board in 1989 were in regard to the route, situation or design of a public improvement. Seven (7) of these included route, situation or design cases which had been brought to the Board's attention during 1988, while the remaining fourteen (14) were requests for review made to the Board during 1989. Twenty-three (23) of the cases concluded by the Board during 1989 were in regard to the amount of compensation offered for expropriated lands. One (1) of these concluded compensation cases was from a case received and investigated by the Board during 1987, ten (10) were from cases received and

investigated by the Board during 1988, and seven (7) of the concluded compensation negotiations were from requests received and reviewed during 1989.

The disposition of cases investigated and negotiated to conclusion by the Board during 1989 are outlined below.

Six (6) of the seven (7) route, situation or design cases received by the Board during 1988 and concluded during 1989 were in regard to Sask Tel proposals to place buried fibre optics cables across agricultural lands. Three (3) of these cases resulted in modifications to the satisfaction of the landowner, the other three (3) resulted in no changes to the proposals.

One (1) of the seven (7) route, situation or design cases received by the Board during 1988 and concluded during 1989 was in regard to a Sask Highways proposal for highway reconstruction on the outskirts of the City of Melfort which affected a commercial property. Agreement was reached between the landowner and Sask Highways.

Eight (8) of the fourteen (14) route, situation or design cases received by the Board and concluded during 1989 were in regard to Sask Tel proposals to place buried cables. Negotiations resulted in changes in two (2) of the cases while the other six (6) resulted in no changes to the original proposals.

Six (6) of the route, situation or design cases received by the Board during 1989 and concluded during the year were in regard to works proposed by Sask Power and Sask Energy. Four (4) of these cases were in regard to a proposal by Sask Power to construct an electrical transmission line between Lashburn and Aberfeldy. In all of these cases, negotiations resulted in modifications to Sask Power's proposal which were satisfactory to all the parties concerned and as a result agreements were reached and no expropriations on these cases took place. Two (2) of the cases were in regard to Sask Energy proposals to place underground gas transmission and distribution lines. One (1) of these cases resulted in a change to the satisfaction of the landowner while the other resulted in no change.

The one (1) compensation case received by the Board during 1986 and concluded during 1989 was in regard to damages caused to a landowner's building during construction of a highway. Agreement was reached thereon.

All of the five (5) compensation cases received by the Board during 1987 and concluded during 1989 were the result of Sask Tel expropriations of easements for fibre optics cables. Negotiations resulted in the payment of compensation for damages over and above the formal offer of compensation in two (2) of these cases. The other three (3) of these cases did not result in agreement. However, each of these landowners decided against pursuing the matter further.

Seven (7) of the ten (10) compensation cases received by the Board during 1988 and concluded during 1989 resulted from Sask Tel expropriations of easements for buried cables. Six (6) of these cases resulted in the payment of compensation for damages which were accepted by the landowners. The one (1) other of these cases did not result in an agreement being reached. However, the landowner decided against pursuing the matter further.

Two (2) of the ten (10) compensation cases received by the Board during 1988 and concluded during 1989 resulted from Sask Highways expropriations of lands in fee simple for the purpose of highway improvements. The Board's review and negotiation of these cases did not result in any change to the formal offer of compensation and in both cases the landowners accepted this result and decided against pursuing the matter further through the courts.

One (1) of the ten (10) compensation cases received by the Board during 1988 and concluded during 1989 resulted from the expropriation of an easement by a pipeline company for a natural gas pumping station. An agreement was negotiated and a contract was signed by the parties involved.

Of the seven (7) compensation cases received, investigated and negotiated to a conclusion by the Board during 1989, five (5) were in regard to land acquisitions by Sask Power. Negotiations on all of these cases resulted in an agreement being reached and implemented.

Two (2) of the seven (7) compensation cases received, reviewed and negotiated to a conclusion by the Board during 1989 resulted from expropriations of easements by Sask Tel. One (1) of these cases resulted in an agreement being reached, while the other resulted in no change which result was accepted by the landowner.

Unresolved at the end of 1989 and thus carried forward in active negotiations by the Board into 1990 are three (3) route, situation and design cases, all of which were received and investigated by the Board during 1989. Two (2) of which are in regard to Saskatchewan Highways proposals and one (1) of which is a result of a Sask Tel expropriation of an easement. Also unresolved at the end of 1989 are twelve (12) compensation cases, again all of which were received and investigated by the Board during 1989. Eight (8) of these compensation cases are in regard to Sask Tel easements, two (2) are in regard to Sask Power easements, and two (2) are in regard to Sask Highways acquisitions.

The Board is pleased to report that it has continued to receive co-operation from all of the expropriating authorities which the Board is empowered to investigate and with which the Board undertakes to negotiate matters in contention. In particular however, we wish to commend Sask Tel for their willingness to discuss with us and review their land acquisition and compensation policies and practices.

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PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 (3), EXPROPRIATION PROCEDURE ACT

TABLE 1

| | | | |
|---|---|---|---|
| (A) | Number of investigations undertaken by the Board | | 37 |
| | Nature of each: | | |
| | Route, situation or design | 17 | |
| | Compensation | 20 | |
| (B) | Number of claims negotiated by the Board | | 62 |
| | Nature of each: | | |
| | Route, situation or design | 25 | |
| | Compensation | 37 | |

## TABLE 2

Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1989

| Expropriating Authority | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| Saskatchewan Highways | 2 | 3 | 5 |
| Saskatchewan Power Corporation | 6 | 8 | 14 |
| Saskatchewan Telecommunications | 9 | 9 | 18 |

TABLE 3

Number of Claims Negotiated by the Board by Expropriating Authority Involved, 1989

| Expropriating Authority | Route | Compensation | Total |
|---|---|---|---|
| Saskatchewan Highways | 3 | 6 | 9 |
| Saskatchewan Power Corporation | 6 | 8 | 14 |
| Saskatchewan Telecommunications | 16 | 22 | 38 |
| Miscellaneous | 0 | 1 | 1 |

TABLE 4

Number of investigations undertaken by the Board 1979 - 1989

| Year | Route, Situation or Design | Compensation | Miscellaneous | Total |
|---|---|---|---|---|
| 1979 | 3 | 15 | 4 | 22 |
| 1980 | 4 | 9 | 3 | 16 |
| 1981 | 53 | 55 | | 108 |
| 1982 | 38 | 58 | | 96 |
| 1983 | 3 | 8 | | 11 |
| 1984 | 8 | 22 | | 30 |
| 1985 | 8 | 12 | | 20 |
| 1986 | 52 | 31 | | 83 |
| 1987 | 17 | 17 | | 34 |
| 1988 | 20 | 14 | | 34 |
| 1989 | 17 | 20 | | 37 |

TABLE 5

Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1979 - 1989

| Year | Conservation & Development Area Authorities | Sask Highways | Sask Power | Sask Tel | Miscellaneous |
|---|---|---|---|---|---|
| 1979 | 3 | 9 | 1 | 3 | 5 |
| 1980 | 1 | 5 | 2 | 1 | 3 |
| 1981 | 7 | 11 | 80 | 4 | 6 |
| 1982 | 33 | 2 | 53 | 8 | - |
| 1983 | - | - | 1 | 11 | - |
| 1984 | - | 7 | 5 | 17 | 1 |
| 1985 | 1 | 2 | 4 | 11 | 2 |
| 1986 | 2 | 12 | 31 | 36 | 2 |
| 1987 | 1 | 2 | 1 | 28 | 2 |
| 1988 | 2 | 6 | 8 | 17 | 1 |
| 1989 | - | 5 | 14 | 18 | - |

TABLE 6

Number of Claims Negotiated by the Board 1979 - 1989.

| Year | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| 1979 | 3 | 15 | 18 |
| 1980 | 4 | 9 | 13 |
| 1981 | 51 | 51 | 102 |
| 1982 | 38 | 58 | 96 |
| 1983 | 2 | 8 | 10 |
| 1984 | 38 | 28 | 66 |
| 1985 | 11 | 33 | 44 |
| 1986 | 54 | 48 | 103 |
| 1987 | 51 | 50 | 101 |
| 1988 | 47 | 41 | 88 |
| 1989 | 25 | 37 | 62 |

TABLE 7

Number of Claims Negotiated by the Board by Expropriating Authority Involved 1979 - 1989.

| Year | Conservation & Development Area Authorities | Sask Highways | Sask Power | Sask Tel | Miscellaneous |
|---|---|---|---|---|---|
| 1979 | 3 | 9 | 1 | 3 | 2 |
| 1980 | 1 | 5 | 2 | 2 | 3 |
| 1981 | 7 | 11 | 80 | 4 | - |
| 1982 | 33 | 2 | 53 | 8 | - |
| 1983 | - | - | 1 | 9 | - |
| 1984 | 32 | 3 | 5 | 26 | - |
| 1985 | 1 | 9 | 7 | 25 | 1 |
| 1986 | 3 | 15 | 36 | 48 | 1 |
| 1987 | 4 | 7 | 34 | 54 | 2 |
| 1988 | 4 | 9 | 32 | 41 | 2 |
| 1989 | - | 9 | 14 | 38 | - |